

ESTTA Tracking number: **ESTTA656619**

Filing date: **02/18/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | | | |
|---------|---|-------------|--------------------|
| Name | Jung Ah Kim Nunez | | |
| Entity | Individual | Citizenship | KOREA, REPUBLIC OF |
| Address | 34-30 149th Street Flushing, NY 11354 UNITED STATES | | |

| | |
|----------------------|---|
| Attorney information | Michael F. Sarney Moritt Hock & Hamroff LLP 450 Seventh Avenue 15th Floor New York, NY 10123 UNITED STATES msarney@moritthock.com Phone:(212) 239-2000 |
|----------------------|---|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 86193632 | Publication date | 01/20/2015 |
| Opposition Filing Date | 02/18/2015 | Opposition Period Ends | 02/19/2015 |
| Applicant | Johnny's Fashion Studio Corp 242 W 38TH ST. 6TH FL NEW YORK, NY 10018 UNITED STATES | | |

Goods/Services Affected by Opposition


Class 040. First Use: 2014/01/30 First Use In Commerce: 2014/01/30
All goods and services in the class are opposed, namely: Manufacturing services, namely, manufacturing for others; Sewing services for the development and production of clothing samples; pattern printing with respect to clothing development and production

Grounds for Opposition

| | |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

Mark Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|-------------------------|-----------------------|------------|
| U.S. Registration No. | 4612801 | Application Date | 01/06/2014 |
| Registration Date | 09/30/2014 | Foreign Priority Date | NONE |
| Word Mark | JOHNNY'S FASHION STUDIO | | |

| | |
|---------------------|---|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 040. First use: First Use: 2014/01/01 First Use In Commerce: 2014/01/01 custom garment manufacturing for others; pattern making, namely, cutting and sewing of garment patterns for others; sample making, namely, cutting and sewing of garment samples for others |

| | |
|-------------|---|
| Attachments | 86158327#TMSN.png(bytes) Kim Notice of Opposition.pdf(190962 bytes) |
|-------------|---|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|-------------------|
| Signature | /michael sarney/ |
| Name | Michael F. Sarney |
| Date | 02/18/2015 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|-------------------------------|---|--------------------------------------|
| Jung Ah Kim Nunez, |) | |
| |) | |
| v. |) | Serial No.: 86/193632 |
| |) | Filed: February 14, 2014 |
| |) | Mark: JOHNNY'S FASHION STUDIO |
| |) | CORP |
| Johnny's Fashion Studio Corp. |) | Published: January 20, 2015 |

NOTICE OF OPPOSITION

Jung Ah Kim Nunez, an individual residing in Flushing, New York (“Opposer”), believes that she will be damaged by registration of the trademark JOHNNY'S FASHION STUDIO CORP in International Class 40, which is the subject of Application Serial No. 86/193632, filed February 14, 2014, pursuant to Section 1(a) of the Trademark Act, by Johnny's Fashion Studio Corp. (“Applicant”), and hereby opposes the same.

In support of its opposition to the registration of the aforementioned mark, Opposer alleges that:

1. Opposer is the owner of U.S. Trademark Registration No. 4612801 for the mark JOHNNY'S FASHION STUDIO, registered September 30, 2014, for custom garment manufacturing for others; pattern making, namely, cutting and sewing of garment patterns for others; sample making, namely, cutting and sewing of garment samples for others, in International Class 40. A printout from the TSDR database of USPTO showing the status of Registration No. 4612801, as of February 18, 2015, is attached hereto as Exhibit A.

2. Opposer has continuously used the mark JOHNNY'S FASHION STUDIO in commerce since at least as early as January 1, 2014, in connection with the following services: custom garment manufacturing for others; pattern making, namely, cutting and sewing of garment patterns for others; sample making, namely, cutting and sewing of garment samples for others.

3. Opposer's aforementioned Trademark Registration is evidence of her priority and exclusive right to use the mark JOHNNY'S FASHION STUDIO in connection with the goods identified in her Registration.

4. Opposer owns common law trademark rights in the JOHNNY'S FASHION STUDIO mark in connection with all of the services identified in her Registration.

5. On or about February 14, 2014, Applicant filed Application Serial No. 86/193,632 ("the '632 Application"), for the mark JOHNNY'S FASHION STUDIO CORP for "Manufacturing services, namely, manufacturing for others; Sewing services for the development and production of clothing samples; pattern printing with respect to clothing development and production" in International Class 40.

6. The services identified in the '632 Application for the mark JOHNNY'S FASHION STUDIO CORP are the same as, or are similar to and/or are closely related to the services in connection with which Opposer uses her JOHNNY'S FASHION STUDIO mark, and which are covered by Opposer's aforementioned Registration for such mark.

7. Applicant's proposed JOHNNY'S FASHION STUDIO CORP mark so resembles Opposer's JOHNNY'S FASHION STUDIO mark, as to be likely to cause confusion or mistake within the meaning of Section 2(d) of the Trademark Act of 1946,

15 U.S.C. §1052(d), as amended. More particularly, Applicant's proposed JOHNNY'S FASHION STUDIO CORP mark, and its use thereof for the services specified in the '632 Application, is likely to cause confusion on the part of, or cause mistake by, or deceive the trade and/or purchasing public into believing that the services identified in the '632 Application originate with Opposer, or are otherwise associated with, authorized by, licensed by, or sponsored by Opposer.

8. For the foregoing reasons, Opposer will be damaged, and will suffer injury to her goodwill and reputation, as symbolized by and embodied in her JOHNNY'S FASHION STUDIO mark, by the registration of Applicant's proposed JOHNNY'S FASHION STUDIO CORP mark that is the subject of the '632 Application.

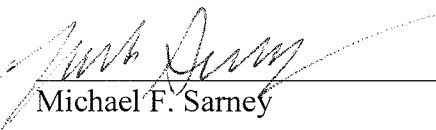
WHEREFORE, Opposer respectfully prays that the proposed JOHNNY'S FASHION STUDIO CORP mark that is the subject of the '632 Application be refused registration and that Opposer's opposition to the '632 Application be sustained.

Dated: February 18, 2015

Respectfully submitted,

MORITT HOCK & HAMROFF LLP
450 Seventh Avenue, 15th Floor
New York, N.Y. 10123
Tel. (212) 239-2000

By:


Michael F. Sarney

Attorneys for Opposer

EXHIBIT A

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Mark: JOHNNY'S FASHION STUDIO

JOHNNY'S FASHION STUDIO

US Serial Number: 86158327

Application Filing Date: Jan. 06, 2014

US Registration Number: 4612801

Registration Date: Sep. 30, 2014

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 30, 2014

Publication Date: Jul. 15, 2014

Mark Information

Mark Literal Elements: JOHNNY'S FASHION STUDIO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "FASHION STUDIO"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: custom garment manufacturing for others; pattern making, namely, cutting and sewing of garments; namely, cutting and sewing of garment samples for others

International Class(es): 040 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2014

Use in Commerce: Jan. 01, 2014

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No**Currently 44D:** No**Filed 44E:** No**Currently 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Owner Name: Kim Nunez, Jung Ah**Owner Address:** 2nd Floor
34-30 149th Street
Flushing, NEW YORK 11354
UNITED STATES**Legal Entity Type:** INDIVIDUAL**Citizenship:** KOREA, REF

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael F. Sarney**Docket Number:** M-6852-001

Correspondent

Correspondent Name/Address: MICHAEL F. SARNEY
MORITT HOCK & HAMROFF LLP
450 7TH AVE FL 15
NEW YORK, NEW YORK 10123-0101
UNITED STATES**Phone:** (212) 239-2000**Fax:** (646) 688-60

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|---|-------------------|
| Sep. 30, 2014 | REGISTERED-PRINCIPAL REGISTER | |
| Jul. 15, 2014 | PUBLISHED FOR OPPOSITION | |
| Jun. 25, 2014 | NOTICE OF PUBLICATION | |
| Jun. 11, 2014 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 68691 |
| Jun. 10, 2014 | ASSIGNED TO LIE | 68691 |
| May 27, 2014 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| May 23, 2014 | TEAS/EMAIL CORRESPONDENCE ENTERED | 88889 |
| May 23, 2014 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 88889 |
| May 23, 2014 | TEAS RESPONSE TO OFFICE ACTION RECEIVED | |
| Apr. 15, 2014 | NON-FINAL ACTION MAILED | |

| | | |
|---------------|--|-------|
| Apr. 14, 2014 | NON-FINAL ACTION WRITTEN | 80805 |
| Apr. 07, 2014 | ASSIGNED TO EXAMINER | 80805 |
| Jan. 16, 2014 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | |
| Jan. 09, 2014 | NEW APPLICATION ENTERED IN TRAM | |

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 30, 2014

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

CERTIFICATE OF SERVICE

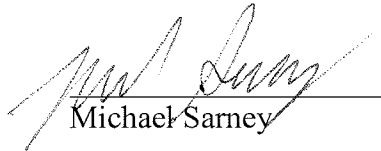
I, the undersigned, Michael Sarney, hereby certified that on the 18th day of February, 2015, I caused to be served a true and correct copy of the foregoing

NOTICE OF OPPOSITION

By U.S. Mail, by depositing the same in a depository of the United States Postal Service, on the Applicant, as follows:

Raj Abhyanker
RAJ ABHYANKER, P.C.
1580 W El Camino Real Ste. 8
Mountain View, California 94040-2462

Attorneys for Applicant



Michael Sarney